

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C53  
Serial No: 10/015,390 Group Art Unit: 1637  
Filed: December 12, 2001 Examiner: Fredman, Jeffrey N.

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION OF DR. DAVID BOTSTEIN, Ph.D.,**

**DR. AUDREY GODDARD, Ph.D., DR. PAUL J. GODOWSKI, Ph.D.,**

**DR. AUSTIN GURNEY, Ph.D., MARGARET ROY, COLIN K. WATANABE and**

**DR. WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131**

We, David Botstein, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., Margaret Roy, Colin K. Watanabe and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,444,790 (Young *et al.*, issue date September 3, 2002 and effective priority date December 23, 1998).
3. The polypeptide designated as PRO1269 (SEQ ID NO:216) claimed in the above-identified application in the United States was sequenced, cloned and homology to granulocyte peptide A identified prior to December 23, 1998.
4. U.S. Provisional Application No. 60/100,661, filed on September 16, 1998 discloses sequences designated as SEQ ID NO:2 and SEQ ID NO:1, which are identical to SEQ ID NO:215 and SEQ ID NO:216, respectively, of the above-identified application.

5. U.S. Provisional Application No. 60/100,661, filed on September 16, 1998 further discloses that SEQ ID NO:1, corresponding to SEQ ID NO: 216 of the above-identified application, has homology to granulocyte peptide A.
6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

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David Botstein, Ph.D.

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Date

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Audrey Goddard, Ph.D.

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Date

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Paul J. Godowski, Ph.D.

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Date

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Austin Gurney, Ph.D.

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Date

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Margaret Roy

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Date

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Colin K. Watanabe

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Date

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William I. Wood, Ph.D.

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Date